

REMARKS/ARGUMENTS

1.) Claim Rejections – 35 U.S.C. § 102(e)

The Examiner has rejected claims 1-9 and 11-12 as being anticipated by Vayanos, *et al.* (U.S. Patent No. 6901603). The Applicants traverse the rejections.

It is to be remembered that anticipation requires that the disclosure of a single piece of prior art reveals **every** element, or limitation, of a claimed invention. Furthermore, the limitations that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. Whereas Vayanos fails to anticipate each and every limitation of claims 1-9 and 11-12, those claims are not anticipated thereby.

Claim 1 recites:

1. A method of reducing impact of transmission errors by means of a retransmission protocol, utilizing a retransmission loop involving packet radio transmissions from user equipment to a control element connected to one or more radio base stations, wherein the user equipment radio transmissions are received at one or more radio base stations **for forwarding to** the control element, the base station acknowledging, positively or negatively, transmissions from the user equipment **and** the control element acknowledging, positively or negatively, transmissions forwarded to it. (emphasis added)

According to the claimed invention, user equipment radio transmissions are received at one or more radio base stations for forwarding to a control element. Accordingly, the base stations and the control element are, *inherently*, separate and distinct physical entities. The base station acknowledges, positively or negatively, transmissions received from the user equipment; **and**, in turn, the control element acknowledges, positively or negatively, transmissions forwarded to it from the one or more base stations. As Applicants specification discloses, the prior art teaches retransmissions between a user equipment and a Radio Network Controller (RNC) (the claimed "control element"). (page 7, line 10, *et seq.*) In order to reduce uplink retransmission delay, the

Applicants invention introduces an additional layer of retransmission protocol through the use of acknowledgements between the radio base station and user equipment, in addition to the conventional acknowledgement mechanism between the user equipment and the control element. Vayanos fails to teach that combination of functions to reduce uplink retransmission delays.

In rejecting claim 1, the Examiner points to the teachings of Vayanos at column 33, lines 35-41 for the essential limitations of claim 1, including acknowledgements from *both* the base station *and* the "control element." It appears that the Examiner is reading both claim limitations onto physical elements located in a Node B 104 (Figure 13). Figure 13 "is a block diagram of an embodiment of Node B 104 and UE 106." (column 32, lines 31-32) Thus, Figure 13 only illustrates transmissions between a user equipment 106 and a base station 104, and the internal operations thereof. There is no teaching in Vayanos of separate acknowledgements between a user equipment and base station and a physically distinct control element. The claimed invention explicitly requires that the control element and the base stations are separate entities, with transmissions therebetween; otherwise, there would be no need for the separate acknowledgements between those physical elements. Therefore, the Examiner has not established that claim 1 is anticipated by Vayanos. Whereas claims 2-9 and 11-12 are dependent from claim 1, and include the limitations thereof, they are also not anticipated by Vayanos.

2.) Claim Rejections – 35 U.S.C. § 103 (a)

The Examiner rejected claim 10 as being unpatentable over Vayanos in view of Puuskari, *et al.* (U.S. Patent No. 7,330,439). As established *supra*, Vayanos fails to anticipate claim 1. Whereas claim 10 is dependent from claim 1 and includes the limitations thereof, and the Examiner has not pointed to any teaching in Puuskari to overcome the noted deficiencies of Vayanos, the Examiner cannot establish a *prima facie* case of obviousness of claim 10 in view of Vayanos and Puuskari.

CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-12.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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Date: February 26, 2009

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